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City & Region

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Council worker feels heat from unhappy tenant

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The City Council's chief research assistant, Lincoln Smith, left his 73-year-old tenant stranded without heat for five days over the icy holiday weekend, according to the city's Inspectional Services Department.

"My Christmas was horrible," said Elizabeth O'Shea, who has lived in Smith's

Dorchester triple-decker for three years. O'Shea lost her heat on Saturday, and, unable to reach Smith, eventually called the city's emergency hotline.

City officials say Smith ignored the problem until they threatened to condemn his building.

Smith says he offered to provide three space heaters until his preferred contractor became available to fix the soot-

clogged furnace, which a city inspector said had not been cleaned in at least two years.

But O'Shea refused the space heaters because she was afraid they might be fire hazards. Over the five days O'Shea was without heat, Boston temperatures fell into the teens and below.

"This is unconscionably wrong," Mayor Thomas M. Menino said in an inter-

view yesterday. "How can you let a person stay for five days with no heat? It's even worse because it's a public official, someone who deals with public policy and is familiar with the law."

Smith, who in 1998 was cited as one of the city's worst landlords, has been feuding with the administrations of Menino and former Mayor Raymond L. Flynn

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since 1986 — when he was fired by then-city personnel chief Robert Consalvo. Smith said it was because of his close friendship with former At Large Councilor Albert L. (Dapper) O'Neil, a harsh Flynn critic.

In 1990, Smith won a \$142,000 judgment from a Suffolk Superior Court jury, which ruled that he had been fired illegally. In 1996, after the 1990 verdict was upheld on appeal, Smith was rehired by the city.

Smith says the Menino administration remains bitter about losing face in court, and has been out to get him ever since. He says he did the best he could to respond to a tenant over a holiday weekend when repairmen were scarce.

"I made every honest effort I could," Smith said. "I went to the apartment with the space heaters and was denied access. I called the inspectors to find out what else I could do, and they said nothing."

"Am I being targeted by ISD? Yes," Smith added. "Am I being treated unfairly? Yes."

ISD spokesman John Dorsey said Smith waited far too long before ordering and installing a new furnace.

By Wednesday, O'Shea was the only one of 40 weekend emergency hotline callers who remained without heat.

"If you're going to make a business of providing a basic service such as housing, it's not something you can do at your own convenience," Dorsey said. "It's a full-time commitment and something that should not be taken lightly."

While she waited for her new furnace, O'Shea wandered her home tightly wrapped in several layers of coats.

At times, she tried to heat her apartment by keeping her oven on and its door open.

"It's been so cold in here... I might as well have been staying outside. It feels below zero," O'Shea said.

"During the day, I just have to put on everything I can find."

Smith says he faced off against a stubborn ISD throughout the entire episode.

Smith says he called city building inspectors and the mayor's office from Cape Cod on Saturday night, in order to inquire about alternative heating options. But, he says, ISD officials refused to help.

On Wednesday night, Smith arrived at O'Shea's Newport Street apartment and found ISD Commissioner Kevin Joyce on the scene.

According to Smith, Joyce told him ISD officials had taken over the job of installing the new furnace.

Smith, who also owns a building on Willis Street in Dorchester, has battled the city on housing issues before.

In 1997, he came under scrutiny after it was alleged that he was violating the city employee residency requirement by living in Weymouth.

In 1998, he was cited for maintenance violations and failed to show up at his trial in Housing Court, located across the street from his City Hall office, until after his name appeared on a priority list of 48 landlords with outstanding warrants.